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BY HAND DELIVERY
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John Henits Confirmation No.: 1565
Serial No.: 09/324,459 Art Unit: 2642
Filed: June 2, 1999 Examiner: Tieu, Benny Quoc
For: SYSTEM AND METHOD FOR Attorney Docket No.: 8740-031
MULTI-STAGE DATA LOGGING

**COVER LETTER FOR SECOND RE-SUBMITTED
INFORMATION DISCLOSURE STATEMENT**

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OCT 29 2003

Technology Center 2600

Sir:

The enclosed Information Disclosure Statement, with references and Form 1449, is a copy of the IDS, references, and Form 1449 submitted by the applicant on August 18, 2003 and again on October 23, 2003. This second hand-delivered re-submission is pursuant to a telephonic conversation this afternoon with the Examiner, who stated that the records of the USPTO do not reflect that the October 22, 2003 re-submission was received.

To demonstrate that the USPTO did receive the October 22 re-submission, applicant has attached a copy of the stamped postcard showing that the USPTO received the hand-delivered re-submission on October 23, 2003.

Because the IDS was originally filed on August 18, not more than three months after the Supplementary European Search Report was received, applicant is entitled to have the attached IDS considered by the Patent Office (37 CFR 1.97 (d), (e)(1)) without filing an RCE.

No fee is believed to be due with this second re-submitted IDS, unless the Patent Office failed to charge appropriate fees for the August 18 IDS. In any event, please charge any fees due to Pennie & Edmonds Deposit Account No. 16-1150.

Respectfully submitted,

Date: October 27, 2003
11/05/2003 SCARMICH 00000001 161150 09324459
Sale Ref: 00000001 DA#: 161150 09324459
01 FC:1806 180.00 DA

Steven D. Underwood (47,205) 38,704
for Kenneth L. Stein (Reg. No.)
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1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Express Mail No.: EV335856560US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John Henits

Confirmation No.: 1565

Serial No.: 09/324,459

Art Unit: 2642

Filed: June 2, 1999

Examiner: Tieu, Benny Quoc

For: SYSTEM AND METHOD FOR
MULTI-STAGE DATA LOGGING

Attorney Docket No.: 8740-031

COVER LETTER FOR INFORMATION DISCLOSURE STATEMENT

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Sir:

The enclosed Information Disclosure Statement is directed to references listed in a Supplementary European Search Report dated 19 May 2003.

For the convenience of the Examiner, applicant has listed below the references cited in the enclosed Search Report that are already of record in this case (and thus not listed on the enclosed Form 1449), along with the date on which each reference was submitted:

Reference	Date Submitted in IDS
WO 98 39901 A	March 8, 2003
EP 0 642 250 A	March 8, 2003
WO 91 08572 A	March 8, 2003
US 4 630 261 A	September 8, 1999
EP 0 822 696 A	September 8, 1999
US 5 535 261 A	March 8, 2003
US 4 573 140 A	July 3, 2002

This Information Disclosure Statement would have been deposited with the USPS on August 14, 2003, but for the interruption in Express Mail service caused by the August 14-15 blackout in the Northeast (see enclosed Notice).

Respectfully submitted,

Date: August 18, 2003

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1155 Avenue of the Americas
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John Henits

Confirmation No.: 1565

Serial No.: 09/324,459

Art Unit: 2642

Filed: June 2, 1999

Examiner: Tieu, Benny Quoc

For: SYSTEM AND METHOD FOR
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of:

☒ Each U.S. patent application publication and U.S. and foreign patent;☒ Each publication or that portion which caused it to be listed on the PTO-1449;☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;☐ all other information or portion which caused it to be listed on the PTO-1449.1c. ☒ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.2. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;☐ Before the mailing of the first Office action on the merits;

- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
☐ enclosed
☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
☒ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☒ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

- 5a. ☒ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35

U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).

- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor is a representation made that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).
11. ☒ This Information Disclosure Statement would have been deposited with the USPS on August 14, 2003, but for the interruption in Express Mail service caused by the August 14-15 blackout in the Northeast (see enclosed Notice).

Respectfully submitted,

Date: August 18, 2003

Steven D. Unborn (47,205) 38,704
for Kenneth L. Stein (Reg. No.)
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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES POSTAL SERVICE INTERRUPTIONS

Office of Patent Legal Administration << Pre-OG Notices << United States Postal Service Interruptions

The United States Postal Service (USPS) has informed the United States Patent and Trademark Office (USPTO) that as a result of the power outage on Thursday, August 14, 2003, a number of post offices throughout the Northeast and Midwest United States are closed or are not accepting mail. The USPTO is designating the interruption in the service of the USPS as a postal service interruption and an emergency within the meaning of 35 U.S.C. § 21(a) and 37 C.F.R. 1.6(e). As soon as the USPTO receives further information from the USPS as to when postal services in the affected areas will be resumed, the USPTO will post the information on the USPTO's Internet Web site at www.uspto.gov and a final notice will be published in the Official Gazette.

Correspondence that would have been filed with the USPTO under 37 CFR 1.10 during this USPS service interruption, but which was not filed due to the USPS service interruption, should be filed promptly after the termination of the USPS service interruption with a statement that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service.

Inquiries concerning this notice may be directed to Eugenia Jones by e-mail at eugenia.jones@uspto.gov or telephone at 703-306-5586.

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Last Modified: 08/15/2003 15:05:02

Express Mail No. Hand Carry First-Class Mail (—)
Date Mailed Oct. 23, 2003
Serial No. 091324,459 Filed June 2, 1999
Inventor John Henits
For System and Method For Multi-Stage Data Logging

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OCT 29 2003

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- | | |
|--|---|
| <input type="checkbox"/> Affidavit/Declaration | <input type="checkbox"/> Fee Address Indication Form |
| <input type="checkbox"/> Amendment <input type="checkbox"/> Response | <input type="checkbox"/> Fee Calculation |
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| <input type="checkbox"/> _____ claims _____ drawing sheets | <input type="checkbox"/> Notice of Appeal |
| <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Cover Sheet | <input type="checkbox"/> Oral Hearing Request/Confirm |
| <input type="checkbox"/> Brief (in triplicate) | <input type="checkbox"/> Petition to Extend Time _____ month(s) |
| <input type="checkbox"/> Declaration & Power of Attorney | <input type="checkbox"/> Petition under 37 C.F.R. _____ |
| <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted <input type="checkbox"/> Copy | <input type="checkbox"/> Power of Attorney |
| <input type="checkbox"/> Declaration of Inventor(s) | <input type="checkbox"/> by Assignee <input type="checkbox"/> Associate with Revocation |
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| <input type="checkbox"/> Disclaimer <input type="checkbox"/> Disclaimer Fee | <input type="checkbox"/> Small Entity Statement |
| <input checked="" type="checkbox"/> Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> w/refs. <input type="checkbox"/> w/o refs. | <input type="checkbox"/> Transmittal Letter |
| <input type="checkbox"/> Drawings, Formal | |
| _____ Sheets _____ Figures | |

Other: Courtesy Copy / Resubmission of IDS as previously
filed on August 18, 2003
File No. 6740-037 Sender: KLJ/LJDU

~~Delivered to the addressee by the addressee's agent or by the addressee's agent's agent~~